

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4930

IN THE MATTER OF:

Served September 17, 1996

Application of SHIRLINGTON)	Case No. AP-96-38
LIMOUSINE & TRANSPORTATION, INC.,)	
for a Certificate of Authority --)	
Irregular Route Operations)	

By application accepted for filing July 1, 1996, Shirlington Limousine & Transportation, Inc., a Virginia corporation, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Applicant's president and sole shareholder, Christopher D. Baker, previously applied in Case No. AP-94-20 for a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver. A conditional grant was issued in Order No. 4322, served June 16, 1994. Because Mr. Baker did not comply with the conditions of Order No. 4322 within 180 days, the conditional grant became void pursuant to Commission Regulation No. 66.

Mr. Baker then caused applicant to apply in Case No. AP-95-41 for a certificate of authority unrestricted as to vehicle seating capacity. A conditional grant was issued in Order No. 4693, served November 9, 1995. Because applicant did not comply with the conditions of Order No. 4693 within 180 days, the conditional grant became void pursuant to Commission Regulation No. 66.

Notice of this application was served on July 3, 1996, in Order No. 4887, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication, a statement regarding Exhibit D, copies of applicant's Virginia authority and a certificate of good standing. Applicant complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes operating one sedan and one limousine. The proposed tariff contains hourly rates and airport transfer rates.

Applicant filed a balance sheet as of December 31, 1995, showing assets of \$118,162; liabilities of \$126,318; and negative equity of \$8,156. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income

of \$40,000; other operating income of \$410,000; expenses of \$449,942; and net income of \$58.

Applicant certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire. Applicant further certifies that neither applicant nor any person controlling, controlled by, or under common control with applicant has any control relationship with a carrier other than applicant.

DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --

(i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Applicant must show the present ability to sustain operations during the first year under WMATC authority.¹ Applicant's liabilities exceed its assets, but applicant's current assets and net projected cash flow are sufficient to cover both projected expenses and current liabilities. Further, applicant is an established carrier with Virginia operating authority. We have found other applicants financially fit under similar circumstances.²

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

¹ In re We Care Project Inc., AP-95-45, Order No. 4703 (Nov. 27, 1995).

² See In re O. Oluokun, Inc., t/a Montgomery County Limo & Montgomery County Shuttle, No. AP-96-15, Order No. 4852 (May 21, 1996) (sufficient cash flow & MDPSC authority); In re Community Multi-Servs., Inc., No. AP-95-56, Order No. 4753 (Jan. 30, 1996) (sufficient cash flow); In re A.C. Limo. Serv., Inc., No. AP-95-23, Order No. 4606 (May 31, 1995) (MDPSC authority); In re Chesapeake Trails Bus Co., No. AP-95-13, Order No. 4571 (Apr. 12, 1995) (MDPSC authority).

THEREFORE, IT IS ORDERED:

1. That Shirlington Limousine & Transportation, Inc., Washington National Airport, Hangar 7, Room H-107, Washington, DC 20001, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

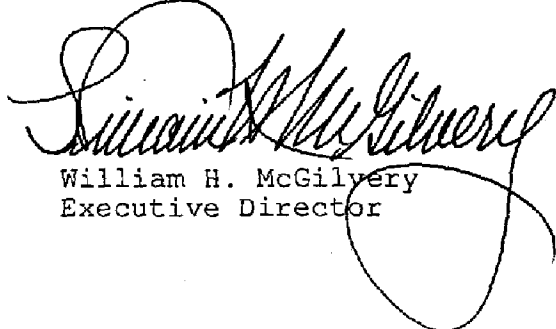
2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 259 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 259 shall be issued to applicant.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director

